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FROM: Quan L. Nguyen	TIMEKEEPER NO.: 2350
SENDER'S PHONE: 215.665.2158	SENDER'S FAX: 215-665-2013
# OF PAGES (INCLUDING COVER): 16	FILE NAME: ISIC0055-100 (IBIS-28US)
DATE: March 21, 2006	FILE #: 139881

RECIPIENT(S)	EXAMINER	FAX
U.S. Patent Office	Kahsay Habte, Ph.D.	571-273-8300

Docket No. ISIC0055-100 (IBIS-23US)

In re application of Swayze et al.

Serial No.: 10/071,978

Filed: February 6, 2002

For: Novel Benzimidazole Compounds

Group Art Unit: 1624

Confirmation No.: 1815

Attached please find:

- Transmittal Form (1 page)
- Fee Transmittal (2 pages)
- Amendment and Request for Reconsideration (12 pages)

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**TRANSMITTAL  
FORM**
*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

Application Number

10/071,978

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Filing Date

February 6, 2002

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First Named Inventor

Swayze et al.

MAR 21 2006

Art Unit

1624

Examiner Name

Kahsay Habte, Ph.D.

Total Number of Pages in This Submission

Attorney Docket Number

ISIC0055-100 (IBIS-28US) / 139881

**ENCLOSURES (check all that apply)** Fee Transmittal Form Drawing(s) After Allowance Communication to TC Fee Attached Licensing-related Papers Appeal Communication to Board of Appeals and Interferences Amendment / Reply Petition Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) After Final Petition to Convert to a Provisional Application Proprietary Information Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Status Letter Extension of Time Request Terminal Disclaimer Other Enclosure(s) (please identify below): Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) \_\_\_\_\_ Landscape Table on CD**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Cozen O'Connor

Signature



Printed Name

Quan L. Nguyen

Date

Mar 21/06

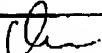
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Typed or printed name

Quan L. Nguyen

Date

Mar 21/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

Applicant claims small entity status. See 37 CFR 1.27

### TOTAL AMOUNT OF PAYMENT

(\$)

Complete If Known

Application Number	10/071,978
Filing Date	February 6, 2002
First Named Inventor	Swayze et al.
Examiner Name	Kahsay Hable, Ph.D.
Art Unit	1624
Attorney Docket No.	ISIC0055-100 (IBIS-28US) / 139881

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Under 37 CFR 1.16 and 1.17

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### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	
				Fee (\$)	Fee (\$)
-20 or HP=	x	=		50	25
HP = highest number of total claims paid for, if greater than 20.				200	100
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180
- 3 or HP=	x	=			
HP = highest number of independent claims paid for, if greater than 3.					

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

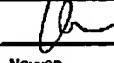
Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)  
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#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): \_\_\_\_\_

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	46,957	Telephone	215-665-2000
Name (Print/Type)	Quan L. Nguyen			Date	Mar 21 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/02/2004.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL for FY 2005

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$)

Complete If Known	
Application Number	10/071,978
Filing Date	February 6, 2002
First Named Inventor	Swayze et al.
Examiner Name	Kahsay Habte, Ph.D.
Art Unit	1624
Attorney Docket No.	ISIC0055-100 (IBIS-28US) / 139881

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## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  None  Other (please identify) :

 Deposit Account Deposit Account Number: 50-1275

Deposit Account Name: Cozen O'Connor

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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Under 37 CFR 1.16 and 1.17

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Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

## 2. EXCESS CLAIM FEES

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Each independent claim over 3 (including Reissues)

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				360	180

-20 or HP= \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
				Fee (\$)	Fee Paid (\$)
-3 or HP=	x	=			

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- 100 =	/ 50 =	(round up to a whole number) x	=	

## 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : \_\_\_\_\_

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	48,857	Telephone	215-665-2000
Name (Print/Type)	Quan L. Nguyen			Date	March 21 2006

This collection of information is required by 37 CFR 1.126. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No: ISIC0055-100 (IBIS-28US)  
Serial No. 10/071, 978

March 17, 2006 Response  
to August 18, 2005 Action

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In re application of: Swayze et al. Group Art Unit: 1624  
Examiner: Kahsay Habte, Ph.D.  
Serial No.: 10/071,978 Confirmation No.: 1815  
Filed: Feb. 6, 2002 Docket No.: ISIC0055-100  
(IBIS0028US)

For: NOVEL BENZIMIDAZOLE COMPOUNDS

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 CFR § 1.116

Sir:

In response to the Final Rejection mailed on January 26, 2006, please amend the above-identified application as follows:

**Listing of Claims**, reflecting current amendments, begins on page 2 of this paper.

Remarks begin on page 11 of this paper.